



#4 4PAC
PTO/SB/64 (11-03)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

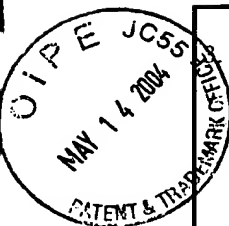
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 8244ML\$
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First Named Inventor: Gayle Marie Frankenbach	RECEIVED
Application No.: 09/805,099	Art Unit: 1714
Filed: March 13, 2001	Examiner: not assigned
OFFICE OF PETITIONS	
Title: METHODS FOR IMPROVING THE PERFORMANCE OF FABRIC WRINKLE CONTROL COMPOSITIONS	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.	
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.	
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION	
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.	
1. Petition fee [X] Large entity - fee \$1,330.00 (37 CFR 1.17(m))	
2. Reply and/or fee A. The reply and/or fee to the above-noted Office Action in the form of <u>Oath and Declaration; Declaration of Facts</u> (identify type of reply): [] has been filed previously on _____ [X] is enclosed herewith. B. The issue fee of \$____ [] has been paid previously on _____ [] is enclosed herewith.	
[Page 1 of 2]	

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$__ for a large entity disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].
5. ☒ Authorization is given to charge Deposit Account No. 16-2480 for any fees required in connection with submission of this petition. A duplicate copy of this correspondence is enclosed to facilitate charging of the fees

May 10, 2004
Date

David V. Upite
Signature

Telephone

Number: (513) 627-8150

David V. Upite

Typed or printed name

CUSTOMER NO.: 27752

- Enclosures: ☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Notice of Abandonment Under 37 CFR 1.53(f) or (g);
Notice to File Missing Parts of Nonprovisional Application;
Oath & Declaration;
Declaration of Facts;
Fee Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

May 10, 2004
Date

David V. Upite
Signature

David V. Upite
Typed or printed name of person signing certificate



#7

Case 8244MLS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Gayle Marie Frankenbach et al. : Conf. No.: 2087
Serial No.: 09/805, 099 : Group Art Unit: 1714
Filed: March 13, 2001 : Examiner: not assigned
For: Methods for Improving the :
Performance of Fabric Wrinkle :
Control Compositions :

**DECLARATION OF FACTS IN SUPPORT OF
FILING ON BEHALF OF OMITTED INVENTORS (37 CFR 1.47)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This declaration is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the omitted inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

06/29/2004 AKELLEY 00000009 162480 09805099

02 FC:1051

130.00 DA

Application Serial No. 09/805,099 was filed on March 13, 2001 by The Procter & Gamble Company. It was determined that Carlos H. Behrens, an employee of the Company at the time, was an inventor in this application. Carlos H. Behrens, evidently, ended his employment with Procter & Gamble at some date between March 12, 2002 and the present, the exact date of his departure being unknown to Declarant. Upon last contact with Mr. Behrens, he was working at the Procter & Gamble facility in Caracas, Venezuela and residing in the same locale.

06/29/2004 AKELLEY 00000009 162480 09805099

01 FC:1460

130.00 DA


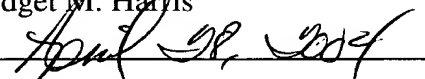
DETAILS OF EFFORTS TO REACH OMITTED INVENTOR

The most recently dated verification of Carlos H. Behrens' employment with The Procter & Gamble Company is a copy of an email authored by Mr. Behrens on March 12, 2002, a copy of which is attached as Exhibit 1. On or about December, 2003 Declarant searched two internal Procter & Gamble (P&G) databases in an attempt to locate Mr. Behrens within P&G, and found his name absent from those databases, indicating Mr. Behrens' employment with P&G had terminated. Declarant then sent to Carlos H. Behrens, via DHL shipment 8800444284, to his last known residential address of, Urb. Avila Cormot, Res, La Montana Apto PB-1D, Alta Florida, Caracas 1050, Venezuela, a declaration of inventor in the above captioned application, along with a letter requesting his signature thereon and return of the document. Pre-paid return shipping materials were also provided to Mr. Behrens. Records of DHL shipment 8800444284 verify the shipment was delivered to the said address on January 9, 2004 at 11:08 a.m., and signed for by Argenis Deli. A copy of the letter sent to Mr. Behrens is attached as Exhibit 2, and a copy of the DHL delivery verification is attached as Exhibit 3.

To the date of execution of this declaration no documents have been received from Mr. Behrens nor has there been any contact from him.

It is submitted that a diligent effort has been made to reach Carlos H. Behrens, and that he has either not received or ignored such contact. Therefore it is impossible to obtain his cooperation in executing the declaration of inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 
Bridget M. Harris
Date: 

State of Ohio)
) ss.
County of Hamilton)

Sworn & subscribed to before me, a notary public, by the said Bridget M. Harris, who is personally known to me, this April 28, 2004.


Notary Public



EXHIBIT 1

Carlos Behrens-CH
Package & Device
Development
Tel +58 212 903 6645
Starnet 554 6645
03/12/2002 10:10 AM

To: Leslie Pang-LS/PGI
Cc:
Subject: Re: Inventor Information



Leslie - sorry for the late response. I was out of the office, and I was not able to check my messages.

Information below in blue.

Kind regards,
Carlos

From: Leslie Pang-LS on 03/07/2002 07:54 AM

From: **Leslie Pang-LS** on 03/07/2002 07:54 AM

Leslie Pang-LS
F&HC Patent
(513) 627-8151
03/07/2002 07:54 AM

To: Kristin Vanscoy-KS/PGI@PGI, adinniwell@cinci.rr.com, Carlos Behrens-CH/PGI@PGI
Cc:
Subject: Inventor Information

Kristin, Alan and Carlos:

In order to prepare paperwork related to P&G Case 8244M entitled "Methods for Improving the Performance of Fabric Wrinkle Control Compositions", it will be necessary for me to have the following information. Please fill in the blanks and forward as soon as possible. Please feel free to contact me with any questions or comments. Thank you in advance for your prompt response.

Leslie Pang
A&T to Frank C. Turner

INFORMATION NEEDED

Full name (First, Middle and Last): Carlos Henrique Behrens

Home address: Urb. Avila, Av. Coromoto, Res. La Montaña Apto. PB-1D. Alta Florida. Caracas 1050, Venezuela

County in which you reside (i.e., Butler, Kenton, etc.): Caracas (?)

Citizenship: Venezuelan

Job Description (i.e., Chemist, Mechanical Engineer, etc.): Industrial Engineer

URB. AVILA COROMOTO, RES.
LA MONTAÑA APTC PB-1D
ALTA FLORIDA. CARACAS 1050

ORDER FOR SHIPMENT

OFS No.

1 Preparer of Shipment - PRINT Bridget Harris		2 P&G Contact (May Be Same As Preparer) - PRINT Same	
3 Cost Center No. - REQUIRED 5 0 0 0 1 0 4 2 7 0		4 P&G Phone Number 513/627-2996	5 Today's Date 1/5/2004

6 SERVICE LEVEL (Must Check One)		7 For Return Items, Note Return Authorization N
Domestic business day services Check Saturday below if required Note: Not all services to all zip codes <input type="checkbox"/> GROUND - least expensive <input type="checkbox"/> Second Business Day by 5:00 pm <input type="checkbox"/> Next Business Day by 3:00 pm <input type="checkbox"/> Next Business Day by noon <input type="checkbox"/> Next Business Day by 10:30 am NOTE: Surcharge applied <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Local Courier <input type="checkbox"/> Other: (Specify)		EXHIBIT 2 8 <input type="checkbox"/> Collect Shipment (May Need Carrier & Acct No: Carrier: _____ Acct No: _____ 9 PLEASE CHECK ONE BOX BELOW For Domestic Shipments Only. <input type="checkbox"/> No Recipient Signature Required <input type="checkbox"/> Recipient Signature Required
International <input checked="" type="checkbox"/> Air (Quickest Route) <input type="checkbox"/> Ocean <input type="checkbox"/> Ground		

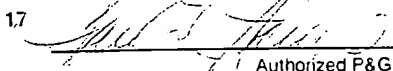
10 SOLD TO	11 SHIP TO (PO Box Address Not Accepted)
Phone Number: _____ (REQUIRED)	Carlos H. Behrens Urb. Avila Coromot, Res. La Montana Apto PB-1D Alta Florida Caracas, Venezuela 1050 Recipients Phone Number: unavailable (REQUIRED)

12 Gross Weight:	Carrier (For Office Use Only)	Date Shipped
13 Outer Packaging (i.e. 1 env, 2 boxes)	14 Detailed Description of Contents (i.e. 1 Litre Ethylene Glycol; 64 oz. Liquid Tide; 4 Video Tapes; 1 Binder with Documents) PLEASE NOTE: For international shipments you must provide quantity and customs value per item. i.e. 12 - 4.6 ounce tubes of toothpaste @ \$1 per tube, 12 recordable CD's @ \$2 per CD	15 Market Value of Goods for International Customs Purposes Only
1 envelope	Legal documents	-0-

I hereby declare that the contents of this shipment is fully and accurately described above

16 ☐ Non-Hazardous ☐ Hazardous

MSDS Required for chemicals and finished product per OSHA Hazardous Communication Standard

17 
Authorized P&G Signature

ORDER FOR SHIPMENT

OFS No.

1 Preparer of Shipment - PRINT Bridget Harris		2 P&G Contact (May Be Same As Preparer) - PRINT Same	
3 Cost Center No. - REQUIRED 5 0 0 0 1 0 4 2 7 0		4 P&G Phone Number 513/627-2996	5 Today's Date 1/7/2004

6 SERVICE LEVEL (Must Check One)		7 For Return Items, Note Return Authorization Number if Required by Vendor	
Domestic business day services Check Saturday below if required International Note: Not all services to all zip codes <input type="checkbox"/> GROUND - least expensive <input type="checkbox"/> Second Business Day by 5:00 pm <input type="checkbox"/> Next Business Day by 3:00 pm <input type="checkbox"/> Next Business Day by noon <input type="checkbox"/> Next Business Day by 10:30 am NOTE: Surcharge applied <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Local Courier <input type="checkbox"/> Other: (Specify)		<input checked="" type="checkbox"/> Air (Quickest Route) <input type="checkbox"/> Ocean <input type="checkbox"/> Ground 8 <input type="checkbox"/> Collect Shipment (May Need Carrier & Acct. No.) Carrier: _____ Acct No: _____ 9 PLEASE CHECK ONE BOX BELOW For Domestic Shipments Only. <input type="checkbox"/> No Recipient Signature Required <input type="checkbox"/> Recipient Signature Required	

10 SOLD TO	11 SHIP TO (PO Box Address Not Accepted)
Phone Number: _____ (REQUIRED)	Bridget M. Harris The Procter & Gamble Company Miami Valley Laboratories 11810 East Miami River Road, 2J28, Box 788 Cincinnati, OH 45253 Recipients Phone Number: 513/627-2996 (REQUIRED)

12 Gross Weight:	Carrier (For Office Use Only)	Date Shipped
13 Outer Packaging (i.e. 1 env, 2 boxes)	14 Detailed Description of Contents (i.e. 1 Litre Ethylene Glycol; 64 oz. Liquid Tide; 4 Video Tapes; 1 Binder with Documents) PLEASE NOTE: For international shipments you must provide quantity and customs value per item i.e. 12 - 4.6 ounce tubes of toothpaste @ \$1 per tube, 12 recordable CD's @ \$2 per CD	15 Market Value of Goods for International Customs Purposes Only
1 envelope	Legal documents	-0-

16 ☐ Non-Hazardous ☐ Hazardous

MSDS Required for chemicals and finished product per OSHA Hazardous Communication Standard

I hereby declare that the contents of this shipment is fully and accurately described above

17

Authorized P&G Signature



The Procter & Gamble Company
Patent Division
Miami Valley Laboratories
P. O. Box 538707
Cincinnati, OH 45253-8707
www.pg.com

January 7, 2004

via DHL

Carlos H. Behrens
Urb. Avila Coromot, Res.
La Montana, Apto, PB-1D
Alta Florida
Caracas, Venezuela
1050

Re: Enclosed documents for signature
Procter & Gamble patent application:
"Methods for Improving the Performance of Fabric Wrinkle
Control Compositions"

Dear Mr. Behrens:

While employed by The Procter & Gamble Company, you were a co-inventor in the above referenced patent application. As such your signature is needed on certain documents. In early 2002, Leslie S. Pang, Administrator, F&HC IP Division, was in contact with you for this purpose. For one reason or another, the documents were never fully executed. I am contacting you herein for that purpose.

Enclosed are the documents upon which your signature is needed along with a cover sheet detailing instructions for execution.

Also enclosed are pre-paid courier materials for your use in return of the executed documents. Should you incur any expense in obtaining notarization of your signature or any other details relating to execution please provide the receipt/bill for such so that I can see that you are reimbursed.

Please feel free to contact me by telephone or email with any questions. I wish to thank you in advance for your prompt attention to this matter.

Sincerely,

Bridget M. Harris, RP
Paralegal/Patent Administrator
The Procter & Gamble Company
Miami Valley Laboratories
513/627-2996
harris.bm@pg.com

To: Carlos Behrens

From: Bridget Harris

Date: 1/7/2004

Request for Signatures

Case No. 8244MR, 8244M, 8244P

Title Methods for Improving the Performance of Fabric Wrinkle Control
Compositions

As (a) named inventor(s) on the above case, your signature is required on the attached documents. Please sign your full name(s) as it appears on the document(s), date and return the documents as soon as possible.

1) _____ Global General Assignment, case 8244MR, 8244M & 8244P (in duplicate)

Please sign and date where flagged.

Your signature needs to be witnessed. Have the witness sign on the line marked "witness" under your signature and fill-in the date they witnessed your signature.

2) _____ Declaration combined with Power of Attorney, case 8244MR & 8244M (in duplicate)

Please sign and date where flagged. Please note that by signing this Declaration, you are swearing that you have reviewed and understand the contents of the application and are aware of your duty to disclose any information which is material to patentability. This form does not require witnessing or notarization.

Please return the completed forms to the person named below.

Thank you very much.

Name Bridget Harris

Location Miami Valley Laboratories

Request for signature.doc
(4/9/2003)

EXHIBIT 3

**These are the results of your query**

Waybill Number	Origin Service Area	Destination Service Area	Status
-------------------	------------------------	-----------------------------	--------

▶ 8800444284 ▶ Dayton, OH - USA ▶ -

Signed for by: ARGENIS DELI

Shipment delivered: January 09, 2004 11:08 ✓

8800444284 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
January 07, 2004	15:50	Dayton, OH - USA	Shipment picked up
January 07, 2004	20:29	Cincinnati, OH - USA	Departing origin
January 07, 2004	21:58	Cincinnati, OH - USA	Departed from Cincinnati, OH - USA
January 08, 2004	01:34	Cincinnati, OH - USA	Arrived at DHL Hub Cincinnati, OH - USA
January 08, 2004	05:18	Cincinnati, OH - USA	Departed from DHL Hub Cincinnati, OH - USA
January 08, 2004	06:34	Miami, FL - USA	Arrived at DHL Gateway Miami, FL - USA
January 08, 2004	12:45	Miami, FL - USA	Departed from DHL Gateway Miami, FL - USA
January 08, 2004	19:22	Caracas - Venezuela	Arrived at DHL facility
January 08, 2004	19:25	Caracas - Venezuela	Scheduled for delivery
January 09, 2004	08:01	Caracas - Venezuela	With delivery courier
January 09, 2004	11:08	Caracas - Venezuela	Shipment delivered

For further inquiries please call 1-800-225-5345, prompt 3.[◀ to Previous Page](#)[Track](#) | [Ship](#) | [Rates](#) | [Pickup](#) | [Transit Time](#) | [Supplies](#) | [Drop-Off](#)[Login to MyDHL](#) | [Open an Account](#) | [Careers](#) | [Service Info](#) | [Customer Service](#) | [About DHL](#)Copyright DHL | [Global Home](#)



Shipment Receipt

Shipment From

PROCTER & GAMBLE COMPANY MVL
Kenneth Griffith
11810 E. Miami River Rd.
Ross, OH 45061
United States Of America
(513) 627-2003

Shipment To

URB. AVILA COROMOT, RES
CARLOS H.BEGRENS
LA MONTANA APT0 PB-1D
ALTA FLORIDA

CARACAS 1050
Venezuela

Shipment Details

Date of Shipment	01/07/2004
Waybill Number	8800444284
Service Type	Document
Packaging Type	Other DHL
Number of Pieces	Packaging
Total Weight	1
Dimensional Weight	3 lbs
Chargeable Weight	0 lbs
Value Protection	3 lbs
Estimated Charge	\$0.00
	\$25.84

International Information

Declared Value	\$0.00
Duties and Taxes	Recipient
Delivery Duty Paid?	No

Billing Information

Payment Type
Billed Account
Expiration Date

Shipper
803456529

Special Services

Saturday Delivery
Signature POD

No
No

Reference Information

Reference

MV0048/5000104270/B.HARRIS

Description of Contents

DOCUMENTS

1/9/04
11:08 AM Argenis Del

*All charges shown are an estimate only, subject to change without notice.

Cancel Shipment

Copy Shipment

Track Shipment

Return to Shipment Log

To print a copy of the Shipment Receipt, use the Print button of your browser.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/805,099	03/13/2001	Gayle Marie Frankenbach	8244

CONFIRMATION NO. 2087

ABANDONMENT/TERMINATION
LETTER

OC000000011111608

27752

THE PROCTER & GAMBLE COMPANY
 INTELLECTUAL PROPERTY DIVISION
 WINTON HILL TECHNICAL CENTER - BOX 161
 6110 CENTER HILL AVENUE
 CINCINNATI, OH 45224

RECEIVED

MAY 17 2004

OFFICE OF PETITIONS

Date Mailed: 10/28/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/14/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(I); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE